

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

SANDRA RHODES,

Plaintiff,

v.

NEW ENGLAND COMPOUNDING
PHARMACY, INC. a/k/a NEW
ENGLAND COMPOUNDING CENTER;
AMERIDOSE, LLC; ALAUNUS
PHARMACEUTICAL, LLC; BARRY
CADDEN; LISA CADDEN;
and GREGORY CONIGLIARO,

Defendants.

Cause No. 3:12-cv-841-JVB-CAN

DEFENDANT ALAUNUS PHARMACEUTICAL, LLC'S MOTION TO DISMISS

Defendant, Alaunus Pharmaceutical, LLC ("Alaunus"), by counsel, moves to dismiss Plaintiff's Complaint, as to Alaunus, with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6). As fully set forth in Alaunus's accompanying brief, simultaneously filed herewith, Plaintiff's Complaint fails to set forth a viable claim for relief and must be dismissed.

WHEREFORE, Defendant Alaunus Pharmaceutical, LLC respectfully requests that Plaintiff's Complaint, as to Alaunus, be dismissed in its entirety, with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6).

LEWIS WAGNER LLP

By: /s/ Kameelah Shaheed-Diallo

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been filed with the Clerk of the Court on February 6, 2013 using the CM/ECF system which sent notification of this filing to the following:

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